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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

NOV 19 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

EX parte: BERNARD KUCINSKI and JOSE GONZALES

Application 10/765,749  
Technology Center 3700

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 19, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The Appeal Brief received by the USPTO on August 14, 2006 is defective. Further review of the Appeal Brief reveals that one required section is missing, the missing section is the “**Evidence Appendix.**”

*See* 37 CFR. § 41.37(c)(1)(ix).

Correction is required.

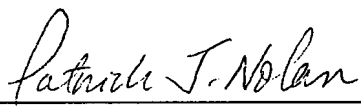
Application 10/765,749

Accordingly, it is

*ORDERED* that the application is returned to the Examiner:

- (1) to instruct Appellants to provide a Paper which complies with 37 C.F.R. §§ 41.37 (c)(1)(ix); and,
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

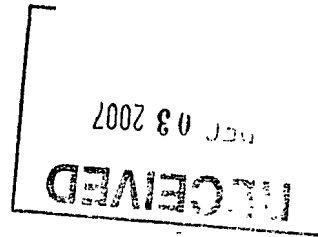
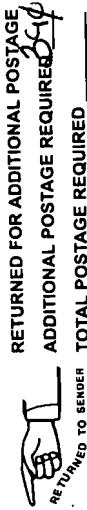
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